JUSTICE UPDATE
Saskatchewan Justice
2007

The Agricultural Societies Repeal Act

(Bill 45) Chapter 17

The Agricultural Societies Act is repealed, and references to it in other legislation are deleted.

This Act came into force on May 17, 2007.

The Alcohol and Gaming Regulation Amendment Act, 2007 / Loi de 2007 modifiant la Loi de 1997 sur la réglementation des boissons alcoolisées et des jeux de hasard *

(Bill 24) Chapter 10

The amendments provide authority for the Liquor and Gaming Authority to make grants to charitable and religious organizations.

The amendments also provide the Minister responsible for *The Parks Act* and *The Regional Parks Act, 1979* with authority to make orders prohibiting the possession and consumption of beverage alcohol in designated provincial and regional park campgrounds for specified periods of time. The amendments make it an offence to possess or consume beverage alcohol in a designated campground that has an alcohol ban in effect.

In addition, the Act amends *The Regional Parks Act, 1979* to allow regional park authorities to make bylaws designating an area of a regional park as a public campground.

This Act came into force on March 27, 2007.

The Assessment Management Agency Amendment Act, 2007

(Bill 57) Chapter 19

This Bill:

- requires the Saskatchewan Assessment Management Agency to develop a funding plan, in the year preceding a revaluation, for the four fiscal years covered by the revaluation;
- establishes a target distribution of funding of 40% from the Government of Saskatchewan, 30% from municipalities and 30% from school divisions, to be achieved by adjusting the shares paid over a time period to be established by the agency in consultation with the payors;
- provides that the total amount to be paid by municipalities shall not be increased until the funding distribution targets are met.

This Act came into force on June 13, 2007, but is retroactive in effect to April 1, 2007.

The Cities Amendment Act, 2007 *

(Bill 28) Chapter 20
Section 34 (coming into force) amended on Third Reading

This Bill makes several significant amendments related to municipal liability:

- a city is not liable, in an action based on nuisance, for damages arising from public works or utilities;
- a standard of care is established respecting a reasonable state of repair for streets and other public places;
- curbs, pavement markings and traffic control devices are added to the list of elements for which a city is not liable for damage caused by their presence, absence or type;
- property is deemed not to be injuriously affected or reduced in value by the denial or removal of street access to it, if other access exists or is provided;
- statutory immunity is provided for employees acting in good faith;
- statutory immunity is provided to cities with respect to good faith acts of their firefighters.

In addition the Bill:

- allows a city to provide and charge for fire-fighting and emergency services outside its boundaries;
- authorizes a city to establish a policy fixing a threshold amount and other conditions under which land may be sold or leased for less than fair market value without a public offering;
- authorizes a city council to reimburse a citizen for legal costs incurred in making a successful application to have a member of council declared disqualified;

- allows a city to establish a tax increment financing program, that will allow the city to place some or all of the incremental taxes coming from a designated area of the city in a reserve fund and use those funds to benefit the area or provide financial assistance to persons who invest in the area;
- allows a city to take steps to remedy a bylaw contravention by a person, or to prevent its reoccurrence, without giving the person a right to appeal an order relating to the contravention, if the city bears all the costs of taking those steps;
- provides that the establishment of an Administrative Review Body (which was previously mandatory) is discretionary;
- includes some minor housekeeping amendments.

Sections 5 and 17 to 26 (the liability provisions) came into force on June 13, 2007. Sections 12 and 13 (housekeeping amendments related to taxation) are retroactive in effect to January 1, 2007. The balance of the Act came into force on May 17, 2007.

The Class Actions Amendment Act, 2007 / Loi de 2007 modifiant la Loi sur les recours collectifs

(Bill 44) Chapter 21

This amending legislation modifies the class action certification process to address the issue of multiplicity in multi-jurisdictional class actions. The Act provides that:

- a class action commenced in Saskatchewan automatically includes non-Saskatchewan residents as class members and these members can opt-out of a multi-jurisdictional class action;
- a person who commences a class action in Saskatchewan must give notice of the application to the plaintiff in a class action elsewhere in Canada that involves the same or similar subject matter;
- a court must consider certain specified criteria to determine which jurisdiction would be the most suitable forum for a multi-jurisdictional class action; and
- a court considering certification is not limited to an order certifying or not certifying a multi-jurisdictional class action.

This Act came into force April 1, 2008.

The Court of Appeal Amendment Act, 2007 / Loi de 2007 modifiant la Loi de 2000 sur la Cour d'appel *

(Bill 37) Chapter 22
Section 2 amended on Third Reading

This Act amends *The Court of Appeal Act, 2000* to reduce the size of the court from nine to seven members.

This Act came into force on May 17, 2007.

The Court Security Act

(Bill 18) Chapter C-43.11

This new legislation provides authority for general court house security including:

- setting out the powers of court security staff;
- authorizing security screening measures in court houses and other facilities where court is held;
- authorizing court security staff to perform court security activities;
- authorizing weapons screening both at the point of entry and after entry at a court facility;
- authorizing seizure of weapons found at a court facility;
- authorizing court staff to refuse entry to or eject a person from a court facility including eviction for disturbance; and
- authorizing the use of reasonable force by court security staff in providing security.

This Act came into force on September 15, 2007.

The Crown Minerals Amendment Act, 2007

(Bill 46) Chapter 23

This amending legislation provides that Crown acquired crude oil and natural gas production will be treated as if the production is Crown production for royalty and taxation purposes. The Act eliminates the separate Crown acquired mineral ownership category for royalty tax purposes. This Act works in concert with *The Freehold Oil and Gas Production Tax Amendment Act, 2007* to revise the royalty and taxation system.

This Act came into force on January 1, 2009.

The Environmental Management and Protection Amendment Act, 2007 *

(Bill 14) Chapter 13

This amending legislation eliminates the requirement for multiple registrations of interests under land titles legislation during the permit process for the construction and operation of waterworks and sewage works.

This Act came into force on April 26, 2007.

The Evidence Amendment Act, 2007 / Loi de 2007 modifiant la Loi sur la preuve *

(Bill 21) Chapter 24
Section 2 amended on Third Reading

This Act amends *The Evidence Act* to provide that an apology does not constitute an admission of fault and is not admissible as evidence in a court proceeding.

This Act came into force on May 17, 2007.

The Fatal Accidents Amendment Act, 2007

(Bill 47) Chapter 25

This amendment Act allows adult children to claim $30,000 in damages for grief and loss of guidance, care and companionship, on the wrongful death of a parent. The amendment applies to deaths that occurred on or after August 1, 2004. The amendment will not apply to an action in which there has been a judgment or settlement prior to the coming into force of the amendment.

This Act came into force on May 17, 2007.

The Film Employment Tax Credit Amendment Act, 2007 *

(Bill 27) Chapter 3

This amending legislation clarifies the intent of the film employment tax credit program. Since the inception of this program, producers have been able to receive a bonus for undertaking production outside a 40-kilometre radius of either Regina or Saskatoon. The 5% rural bonus has included all production costs incurred in Saskatchewan. The amending legislation provides that salaries paid to non-Saskatchewan residents do not qualify as Saskatchewan expenditures for the purpose of the rural bonus.

This Act came into force on March 21, 2007.

The Freehold Oil and Gas Production Tax Amendment Act, 2007

(Bill 48) Chapter 26

This amending legislation works in concert with *The Crown Minerals Amendment Act, 2007* to allow Crown acquired crude oil and natural gas production to be treated as if the production is Crown production for royalty and taxation purposes and to eliminate the separate Crown acquired mineral ownership category for royalty and taxation purposes.

This Act came into force on January 1, 2009.

The Fuel Tax Accountability Act

(Bill 3) Chapter F-23.01

This Act amends *The Financial Administration Act, 1993* to require the Minister of Finance to prepare a report for each fiscal year that compares road-use fuel tax revenues to provincial transportation expenditures. The Minister is also required to present a plan to balance these revenues and expenditures.

This Act came into force on April 26, 2007.

The Graduate Tax Exemption Act

(Bill 64) Chapter G-5.2

This new Act establishes a personal income tax exemption for individuals graduating from a program of post-secondary studies in 2007 and subsequent years, of $10,000 per year for five years. It repeals *The Post-Secondary Graduate Tax Credit Act.*

This Act came into force on January 1, 2007.

The Gunshot and Stab Wounds Mandatory Reporting Act

(Bill 20) Chapter G-9.1
Section 3 amended on Third Reading

This new legislation establishes the requirement for the compulsory reporting of gunshot and stab wounds by hospitals and health centres to local police services.

The Act provides that the reporting is to occur by telephone and will be limited to the identification of the patient and the location of the facility. Clause 3(1)(d) was amended on Third Reading to provide that only identification and location could be reported. The Act states that the telephone call is not to be made until it can be done without disrupting patient care. Liability protection is provided for all good faith actions taken in compliance with this legislation.

This Act came into force on September 1, 2007.

The Income Tax Amendment Act, 2007

(Bill 65) Chapter 27

This Act amends *The Income Tax Act, 2000* to:

- allow for the new Graduate Tax Exemption;
- re-establish automatic annual indexation to the national rate of inflation, commencing in the 2008 tax year; and
- expand eligibility for the investment tax credit for manufacturing and processing to include certain types of renewable energy and energy conservation equipment used in the production of electricity for sale.

This Act came into force on May 17, 2007, but sections 3 to 7 (graduate tax exemption and indexing) are deemed to have been in force from January 1, 2007; sections 8 and 9 (investment tax credit for manufacturing and processing for new assets) are deemed to have been in force from January 1, 2006; and sections 10 and 11 (investment tax credit for manufacturing and processing for used assets) are deemed to have been in force from April 7, 2006.

The International Interests in Mobile Aircraft Equipment Act / Loi sur les garanties internationales portant sur des matériels d'équipement aéronautiques mobiles

(Bill 11) Chapter I-10.201

This Act provides for the implementation in Saskatchewan of the *Convention on International Interests in Mobile Equipment* and its *Protocol on Matters Specific to Aircraft Equipment*. The *Convention* and *Protocol* create an international central registry that will enable the registration and search of *Convention* security interests in aircraft equipment. The *Convention* creates a regime for the priority of creditors' interests to be determined by reference to an electronic notice-based International Register with priority being established on a first-in-time basis. The *Aircraft Protocol* provides for the specific application of the *Convention* in relation to aircraft objects and modifies the operation of the *Convention* to the particular requirements of aircraft financing transactions.

The *Convention* and *Protocol* came into effect in Saskatchewan on April 1, 2013 in accordance with the coming into force of the Act and after ratification by Canada once a majority of provinces and territories had passed similar implementing legislation.

The Labour Standards Amendment Act, 2007

(Bill 54) Chapter 14

This amending legislation provides that an employee who has volunteered for service with the Canadian Forces reserve force is entitled to an unpaid leave of absence for the employee's period of service with the reserve force or training with the reserve force and on completion of the leave is entitled to continue employment with the employer without loss of any privilege connected with seniority.

This Act came into force on April 26, 2007.

The Land Surveyors and Professional Surveyors Amendment Act, 2007 *

(Bill 30) Chapter 4

The Land Surveyors and Professional Surveyors Act provides a framework for the self-governance of surveyors and land surveyors. The amending legislation allows applicants who are studying toward the academic requirements for admission as a land surveyor-in-training, to be admitted as student land surveyors without the additional requirement of having to have already completed a two-year course in surveying and mapping.

This Act came into force on March 21, 2007.

The Legal Profession Amendment Act, 2007 *

(Bill 22) Chapter 5
Section 9 (coming into force) amended on Third Reading

Pursuant to this amendment Act, unclaimed trust funds held by the Law Society for ten years will be directed to the Law Foundation instead of the Minister of Finance.

The amendment Act also sets out processes for the protection of solicitor-client privilege during an investigation of a complaint by the Law Society, including:

- codifying the common law requirement that members of the Law Society must provide information to the Law Society during an investigation, even where this information is subject to solicitor-client privilege;
- allowing the lawyer providing the records, any person claiming the solicitor-client privilege or the court to require that proceedings dealing with the records be held in private and that the public or any other third party be denied access to the records; and

- authorizing the benchers to make rules regarding the handling of information that is privileged or confidential.

The amendment respecting unclaimed trust funds came into force on December 31, 2006. The balance of the amendments came into force on March 21, 2007.

The Legislative Assembly and Executive Council Act, 2007 / Loi de 2007 sur l'Assemblée législative et le Conseil exécutif *

(Bill 25) Chapter L-11.3

This Act replaces *The Legislative Assembly and Executive Council Act, 2005* with a new bilingual Act with no changes in substance.

This Act came into force on March 21, 2007.

The Legislative Assembly and Executive Council Consequential Amendments Act, 2007 *

(Bill 26) Chapter 6

This Bill makes consequential amendments to other Acts, primarily to address the change in the name of the Act from 2005 to 2007 in addition to making certain corrections in previous references to the Act.

This Act came into force on March 21, 2007.

The Limitations Amendment Act, 2007 *

(Bill 10) Chapter 28

The amendments to *The Limitations Act* clarify that:

- an acknowledgment that a debt is owing must be made in writing "and" must be made to the claimant;
- for claims where contribution and indemnity is sought by one alleged wrongdoer against another, the two-year limitation period starts to run from the day the first alleged wrongdoer is served with the claim; and
- the limitation period for judgments or orders for payment of money is ten years.

This Act came into force on May 17, 2007.

The Martensville Constituency By-election Act

(Bill 42) Chapter 1

This Act provides that, notwithstanding any other Act, Nancy Heppner was deemed to have been duly elected as a member of the Legislative Assembly at the by-election held in the constituency of Martensville on March 5, 2007.

This Act came into force on March 7, 2007.

The Miscellaneous Environment Statutes (Inspections and Investigations) Amendment Act, 2007

(Bill 53) Chapter 29

This Act repeals and replaces the inspection and investigation provisions of *The Fisheries Act (Saskatchewan), 1994*, *The Forest Resources Management Act* and *The Natural Resources Act*. The amending legislation clarifies the provisions that allow officers to conduct inspections for purposes relating to the administration or enforcement of the legislation and sets out the powers of officers conducting inspections and investigations pursuant to the legislation.

This Act came into force on May 17, 2007.

The Miscellaneous Statutes (Municipal Collection of Other Taxes) Amendment Act, 2007 *

(Bill 17) Chapter 30
Sections 5, 6 and 8 amended on Third Reading

This Bill contains amendments to *The Cities Act*, *The Municipal Hail Insurance Act*, *The Municipal Revenue Sharing Act*, *The Municipalities Act* and *The Northern Municipalities Act* to provide remedies if education property taxes and municipal hail insurance premiums are not collected and remitted as required by law:

- municipalities are liable to pay interest if they fail to pass on taxes collected on behalf of another taxing authority or if they fail to pay a requisition authorized by statute within the required time;
- municipalities are bound by prescribed discount rates for early payment of taxes if they decide to provide discounts;
- discount rates for early payment of hail insurance premiums are established;
- municipalities require the agreement of other taxing authorities if they propose to cancel, reduce, defer or refund taxes collected on a property on behalf of that other authority in more than one consecutive year;
- municipalities are required to transmit to school divisions a monthly statement of account of school taxes collected for and paid to the school division;
- the Minister is authorized to withhold grant payments and set conditions to be met before the grant is reinstated;
- offence provisions for non-compliance with the Acts are extended to municipal councillors and to persons who impede others from complying with their duties under the Acts.

The provisions of the Bill relating to taxes will come into force on January 1, 2008. The balance of the Act came into force on May 17, 2007.

The Mortgage Brokerages and Mortgage Administrators Act

(Bill 49) Chapter M-20.1

This Act repeals *The Mortgage Brokers Act* and replaces it with a new Act that will:

- establish four new categories of licences, namely mortgage brokerages, brokers, associates and mortgage administrators;
- allow mortgage administrators to receive and hold trust property and allow mortgage brokerages that have obtained an endorsement on their licence to receive and hold trust money;
- establish requirements relating to the handling of trust money and trust property;
- set out disclosure requirements to ensure that borrowers and private investors are able to make informed decisions in respect of mortgage transactions;
- allow regulations to be made establishing requirements relating to capital and errors and omissions insurance;
- establish requirements and prohibitions relating to business practices of licensees;
- require licensees to act in the best interests of borrowers and private investors;
- allow for educational or other proficiency requirements for licensees to be established pursuant to regulations;
- modernize and enhance the administrative framework of the Act, including the licencing process, record keeping and reporting requirements, the Superintendent's investigation and enforcement powers, and the penalties for contravention of the Act or the regulations;
- require mortgage lenders and traders to be regulated under *The Trust and Loan Corporations Act, 1997*; and
- allow regulations to be made setting out exemptions from the Act.

This Act came into force on October 1, 2010.

The Municipal Employees' Pension Amendment Act, 2007

(Bill 50) Chapter 31

This Act amends *The Municipal Employees' Pension Act* to:

- change the terms of office of the chairperson and vice-chairperson to the calendar year;
- allow a retired member who has a new spouse after retirement to elect to have his or her pension recalculated to provide the new spouse with a survivors benefit, where the former spouse, if any, waives his or her entitlement to that benefit; and
- allow the maximum value for small allowances, below which a member is entitled to receive a lump sum payment of their entitlement on retirement, to be set pursuant to *The Pension Benefits Act, 1992.*

This Act came into force on May 17, 2007.

The Municipal Financing Corporation Amendment Act, 2007 *

(Bill 15) Chapter 15

This Act amends *The Municipal Financing Corporation Act* to:

- update the definition of "municipality" to include boards of education, the conseil scolaire and regional health authorities; and
- allow the Municipal Financing Corporation to lend money to municipalities through methods other than debentures.

The Act came into force on April 26, 2007.

The Municipal Revenue Sharing Amendment Act, 2007

(Bill 58) Chapter 33

This amendment Act sets the amount of the municipal revenue sharing grants to be paid to municipalities in 2007-08 and subsequent fiscal years.

This Act came into force on April 1, 2007.

The Municipalities Amendment Act, 2007

(Bill 56) Chapter 32

This Bill makes several significant amendments related to municipal liability:

- a municipality is not liable, in an action based on nuisance, for damages arising from public works or utilities;

- a standard of care is established respecting a reasonable state of repair for streets and other public places;
- curbs, pavement markings and traffic control devices are added to the list of elements for which a municipality is not liable for damage caused by their presence, absence or type;
- property is deemed not to be injuriously affected or reduced in value by the denial or removal of street access to it, if other access exists or is provided;
- statutory immunity is provided for employees acting in good faith;
- statutory immunity is provided to municipalities with respect to good faith acts of their firefighters.

In addition the Bill:

- requires the Minister to implement decisions of the Saskatchewan Municipal Board on applications for municipal restructuring;
- authorizes a council to establish a policy for publicly reporting theft or fraud of municipal property;
- authorizes a council to reimburse a citizen for legal costs incurred in making a successful application to have a member of council declared disqualified;
- allows a municipality to establish a tax increment financing program, that will allow the municipality to place some or all of the incremental taxes coming from a designated area of the municipality in a reserve fund and use those funds to benefit the area or provide financial assistance to persons who invest in the area;
- includes some minor housekeeping amendments.

Sections 11, 12 and 26 (housekeeping amendments related to taxation) came into force on January 1, 2007. The balance of the Act came into force on May 17, 2007.

The Occupational Health and Safety (Harassment Prevention) Amendment Act, 2007

(Bill 66) Chapter 34

This Act expands the definition of harassment under *The Occupational Health and Safety Act, 1993* to address personal harassment in the workplace. Harassment is defined to include any inappropriate conduct, comment, display, action or gesture by a person that adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated.

The Act also provides for the appointment of a special adjudicator to hear appeals arising from harassment complaints.

This Act came into force on October 1, 2007.

The Oil and Gas Conservation Amendment Act, 2007 *

(Bill 5) Chapter 7

This legislation amends *The Oil and Gas Conservation Amendment Act, 2001*. The 2001 legislation introduced an oil well and facility liability management program. The main policy change implemented by the 2007 amending legislation is to remove references in the 2001 Bill to inactive wells and inactive upstream facilities in order for the orphan fund to apply to all wells and all upstream facilities. Other changes include the definition of an upstream facility, a new provision to require first time applicants for licences under the Act to submit a fee to the orphan fund, the removal of the requirement for forms to be prescribed in the regulations and the updating of certain language used in the original Bill.

This Act came into force on June 19, 2007, which was the date that section 13 of *The Oil and Gas Conservation Amendment Act, 2001* came into force.

The Paramedics Act

(Bill 8) Chapter P-0.1

This new legislation regulates Saskatchewan emergency medical services personnel. The Act establishes the Saskatchewan College of Paramedics as a regulatory body with responsibility for registration, licensing, standards and discipline of its members. *The Paramedics Act* shifts the regulation of Saskatchewan emergency personnel from the Department of Health under *The Ambulance Act* to the College of Paramedics pursuant to this new Act. Part III of *The Ambulance Act* is repealed.

Section 54, which allows the registrar under Part III of *The Ambulance Act* to transfer the register to the College, came into force on May 17, 2007. The balance of the Act came into force on September 1, 2008.

The Payday Loans Act

(Bill 43) Chapter P-4.3

The Payday Loans Act establishes a comprehensive framework for the regulation of payday lenders, including:

- requiring payday lenders to be licensed and requiring payday lenders with more than one location to obtain a separate licence for each location;

- requiring an agreement to enter into a payday loan to be in writing and signed by the borrower;
- setting out disclosure requirements to ensure that borrowers are able to make informed decisions in respect of payday loans;
- providing borrowers with the right to cancel a loan without penalty within a "cooling off" period;
- allowing regulations to be made setting limits on the cost of borrowing for payday loans;
- prohibiting the charging of additional fees when loans are renewed, extended or replaced by a new loan, unless these additional fees are authorized in regulations;
- prohibiting discounting of payday loans;
- prohibiting a payday lender from charging a fee for the early repayment of a payday loan;
- prohibiting the taking of security in respect of payday loans;
- prohibiting a payday lender from having more than one payday loan with the same borrower at the same time;
- prohibiting a payday lender from making a payday loan contingent on the purchase of another product or service;
- allowing regulations to be made setting a limit on the amount of a payday loan based on a percentage of the borrower's net pay;
- prohibiting a payday lender from requesting or requiring a borrower to make an assignment of wages in relation to a payday loan; and
- extending the prohibited collection practices provisions of *The Collection Agents Act* to payday lenders.

This Act came into force on January 1, 2012.

The Planning and Development Act, 2007 *

(Bill 12) Chapter P-13.2

This new Act replaces *The Planning and Development Act, 1983*, and makes the following changes:

- provides for the government to adopt provincial land use policies and statements of provincial interest, by regulation, that municipalities must comply with when adopting official community plans, subdivision bylaws and zoning bylaws;
- authorizes approving authorities to adopt policies respecting site plan control for commercial or industrial development;
- gives additional flexibility to approving authorities in several ways, for example, approving authorities can set their own public notice requirements and delegate development decisions for site plan control, discretionary uses and direct control districts to the development officer;
- replaces the development plan and the basic planning statement with an official community plan, which will provide policy direction for development;
- streamlines and expedites review processes;
- updates and clarifies subdivision provisions for consistency with land titles and plan registration processes;
- creates more interjurisdictional or regional opportunities for municipalities to plan together, including providing for the participation of First Nations and other organizations such as regional economic development authorities in district planning commissions;
- provides municipalities with the option to establish a district planning authority, to which they may delegate planning responsibilities in order to collaborate on the delivery of planning and other services;
- provides authority comparable to southern planning districts for northern communities, including providing for participation by other government agencies and First Nations;
- combines the provisions for development appeals and subdivision appeals;
- provides more flexibility in the organization and operation of development appeal boards, including the opportunity for municipalities to establish district development appeal boards;
- clarifies the requirements for determining appeals and makes them consistent for development appeal boards and the Saskatchewan Municipal Board;
- establishes a voluntary dispute resolution process for planning or subdivision disputes.

This Act came into force on March 21, 2007.

The Public Employees Pension Plan Amendment Act, 2007

(Bill 51) Chapter 35

This Act amends *The Public Employees Pension Plan Act* to:

- remove the Saskatchewan Property Management Corporation as an entity that may appoint a member of the Public Employees Pension Board;

- allow members to contribute to the Public Employees Pension Plan for leaves of absence that occur after age 65;
- allow inactive members of the Public Employees Pension Plan to transfer funds from a Registered Retirement Savings Plan to the Pension Plan; and
- provide the board with the authority to elect a variable benefit on behalf of a member who cannot be located when the member reaches age 69.

This Act came into force on May 17, 2007.

The Public Health Amendment Act, 2007 *

(Bill 7) Chapter 8

This Bill amends *The Public Health Act, 1994* by providing authority to pass regulations enabling Regional Health Authorities to disclose public inspection records and other enforcement activities to the public. The expanded regulation-making authority will enable the creation of regulations governing inspections under the Act generally, and in particular, will allow for regulations authorizing the disclosure of information respecting inspections of public eating establishments.

The amendments came into force on March 21, 2007.

The Regional Health Services Amendment Act, 2007 *

(Bill 31) Chapter 36
Section 6 amended on Third Reading

These amendments to *The Regional Health Services Act* provide that agreements between a regional health authority (RHA) and a designated health care organization (DHCO) will be subject to the new sections in the Act. (The definition of designated health care organization was amended on Third Reading). The new provisions:

- define the subject matters to be addressed in written agreements;
- fix the term of the agreements as five years, unless the parties agree otherwise;
- provide for mediation and arbitration of matters involving the meaning or application of the agreement, rights or obligations under the agreement or an alleged breach of the agreement, in accordance with the process set out in the Act;
- allow a DHCO to require a RHA to acquire its assets and ongoing business operations at fair market value if the RHA terminates the agreement before its expiry for a reason other than a substantial breach of the agreement by the DHCO, or if the RHA decides not to renew the agreement;
- define the conditions under which a RHA can reduce or cease making payments to a DHCO;
- override the provisions of an agreement made before or after these amendments come into force.

This Act came into force on January 1, 2012.

The Revenue and Financial Services Amendment Act, 2007

(Bill 60) Chapter 37

This Act amends *The Revenue and Financial Services Act* to:

- update the record keeping requirements to address records maintained in an electronic format;
- increase the penalties applicable to audit assessments;
- allow the Minister to authorize the release of information to other government department and agencies for use in administering and enforcing provincial programs;
- allow the Minister to authorize the release of statistical information that does not disclose the tax information of a particular collector or taxpayer, or in other circumstances prescribed in the regulations; and
- add a new provision allowing the Government to enter into tax agreements with First Nations.

Sections 4 and 5 (increased penalties) came into force on July 1, 2007. The balance of the Act came into force on May 17, 2007.

The Royal Saskatchewan Museum Act

(Bill 63) Chapter R-23.01

This Act continues the branch of the department called the Royal Saskatchewan Museum. It provides that an employee of the department will be designated as Director of the Royal Saskatchewan Museum and sets out the role of the Director. The Act provides for the mandate and powers of the Royal Saskatchewan Museum. It provides for the museum to establish a policy to address the concerns of Aboriginal peoples regarding the access to and the care, use and repatriation of Aboriginal sacred and culturally sensitive objects.

This Act came into force on May 17, 2007.

The Saskatchewan Gaming Corporation Amendment Act, 2007

(Bill 59) Chapter 38

This Bill will change the status of the Saskatchewan Gaming Corporation (SGC) from a Treasury Board Crown Corporation to a Crown Investments Corporation of Saskatchewan Crown Corporation. Certain provisions of *The Crown Corporations Act, 1993*, which previously applied to SGC by incorporation by reference of those provisions, have been replaced by setting them out in this Act, for example, perpetual succession and seal, agent of the Crown, capacity to contract, liability in tort, acquisition and disposal of property. The fiscal year of the corporation is changed to the calendar year. SGC will continue to pay to the General Revenue Fund the amounts required for distribution to the Community Initiatives Fund, Métis Development Fund and First Nations Trust.

This Act came into force April 1, 2008.

The Saskatchewan Human Rights Code Amendment Act, 2007 *

(Bill 9) Chapter 39
Section 10 (coming into force) amended on Third Reading

This Act amends *The Saskatchewan Human Rights Code* to remove the protection for mandatory retirement policies. The Act changes the definition of age in the *Code* to include persons over 65 years. The Act maintains the current bona fide occupational qualification exceptions for occupations, such as fire fighters and police, where advancing age relates to the ability to perform the duties required for the job.

The following Acts and regulations are also amended to remove or prohibit mandatory retirement policies: *The Public Employees Pension Plan Act*, *The Municipal Employees' Pension Act*, *The Superannuation (Supplementary Provisions) Act* and *The Public Service Regulations, 1999*.

This Act came into force on November 17, 2007.

The Saskatchewan Institute of Applied Science and Technology Amendment Act, 2007 *

(Bill 33) Chapter 9

This Act amends *The Saskatchewan Institute of Applied Science and Technology Act* to:

- require that the board include a SIAST student, a member of a Regional College board and a member of the Saskatchewan Apprenticeship and Trade Certification Commission;
- require the board to prepare an annual business plan, subject to the approval of the Minister;
- remove the requirement that a committee be appointed every five years to review and report on SIAST's mandate; and
- make several housekeeping amendments.

The Act came into force on March 21, 2007.

The SaskEnergy Amendment Act, 2007 *

(Bill 13) Chapter 40

This Bill:

- increases the maximum number of SaskEnergy board members from 10 to 12;
- permits SaskEnergy to transport energy-related products and by-products on a non-exclusive basis;
- allows SaskEnergy to lease any of its plant, machinery, apparatus or equipment;
- makes it an offence to interfere with the distribution or measurement of any substance by SaskEnergy; and
- clarifies the power SaskEnergy has in dealing with safety hazards posed by encroachments over or near pipelines and related facilities.

This Act came into force on May 17, 2007.

The Securities Amendment Act, 2007 *

(Bill 19) Chapter 41

The amendments to *The Securities Act, 1988* facilitate implementation of Phase two of the "Passport" system of securities regulation in Canada.

Specifically, the amendments enable the Saskatchewan Financial Services Commission to incorporate decisions of other Canadian securities regulators by operation of law and contain a "modified discretion" mechanism that allows the Commission to make a decision based solely on the decision of a regulator in another Canadian jurisdiction. In addition, the amendments:

- create a civil liability regime for secondary market disclosure (i.e., disclosure in the financial market for trading securities that have already been issued in an initial private or public offering);
- create a new power for the Commission to order restitution;
- enhance existing enforcement powers; and
- discontinue the registration requirements for mineral lease brokers.

Most of the amendments came into force July 1, 2007. Section 50 came into force January 1, 2008. Sections 39 to 41 and 51 to 54, and subsection 56(2) came into force February 15, 2008. Sections 25 to 33 came into force March 17, 2008, except the part of section 32 that repeals section 79 which was repealed by section 35 of *The Securities Amendment Act, 2008*. Section 35 also repealed subsection 56(1). Section 15 and 16 came into force September 28, 2009. Subsection 3(19) and that portion of section 42 that repeals section 117 of *The Securities Amendment Act, 1988* came into force April 30, 2010. Subsection 10(3), the remainder of section 42, and section 58 will come into force on proclamation.

The Securities Transfer Act

(Bill 23) Chapter S-42.3

This new Act deals with one aspect of a securities transaction - the transfer of property that occurs in the settlement of a sale or trade of securities. As such, it should be distinguished from securities regulatory law which is dealt with, for the most part, in

The Securities Act, 1988. Prior to the enactment of this legislation, the law relating to the settlement of securities transactions was set out in *The Business Corporations Act* and *The Personal Property Security Act, 1993*. The provisions in those Acts are based on the way in which securities were historically held, transferred and pledged in the direct holding system where owners generally held share certificates and had a direct relationship with the corporation issuing the shares.

The new Act repeals the provisions in *The Business Corporations Act* and *The Personal Property Security Act, 1993* and creates a new regime that addresses not only the traditional direct system, but also the far more common indirect holding system where an interest in securities is electronically recorded in the books of a series of intermediaries. The new Act provides a legislative basis for existing market practices and procedures. This legislation is harmonized with the legislation which has been or will soon be implemented in all Canadian jurisdictions as well as the law in the United States.

This Act came into force on September 1, 2007.

The Superannuation (Supplementary Provisions) Amendment Act, 2007 *

(Bill 32) Chapter 11

This Act amends *The Superannuation (Supplementary Provisions) Act* and *The Provincial Court Act, 1998* to provide that in 2007 and subsequent years, superannuation allowances will be automatically increased by 70% of the increase in the Consumer Price Index.

This Act came into force on March 27, 2007.

The Tobacco Damages and Health Care Costs Recovery Act

(Bill 39) Chapter T-14.2

This new legislation provides the Government of Saskatchewan with a direct and distinct cause of action against tobacco manufacturers to recover the cost of health care benefits caused or contributed to by a "tobacco-related wrong". A "tobacco-related wrong" is defined as a tort committed in Saskatchewan by a manufacturer that causes or contributes to a tobacco-related disease or breach of a duty owed by a manufacturer to persons who have been or might become exposed to tobacco products. The Act contains distinct rules regarding such actions, including the burden of proof, evidence, limitation periods and apportionment of liability.

The Act came into force on May 31, 2012.

The Vital Statistics Act, 2007

(Bill 61) Chapter V-7.2
Section 24 amended on Third Reading

This new Act replaces *The Vital Statistics Act, 1995*. The new legislation modernizes and streamlines the vital event registration process in a number of ways, including:

- providing authority for electronic registration of certain vital events;
- allowing co-parents to be included on a statement of birth;
- creating transparent rules regarding access to information;

- creating authority for information exchange agreements with other government departments and agencies;
- removing Division Registrars; and
- providing authority for the maintenance of electronic registries and indexes of vital event registrations.

The Act was repealed by section 112 of *The Vital Statistics Act, 2009* on December 6, 2010.

The Vital Statistics Consequential Amendments Act, 2007 / Loi de 2007 portant modifications corrélatives à la loi intitulée The Vital Statistics Act, 2007

(Bill 62) Chapter 42

Bill 61, *The Vital Statistics Act, 2007* contains several consequential amendments to English-only statutes. This Bill contains amendments consequential to that Act which amend bilingual legislation.

This Act was repealed by section 113 of *The Vital Statistics Act, 2009* on December 6, 2010.

The Wildlife Amendment Act, 2007 / Loi de 2007 modifiant la Loi de 1998 sur la faune

(Bill 52) Chapter 43

This Act repeals and replaces the inspection and investigation provisions of *The Wildlife Act, 1998*. The Act clarifies the provisions that allow wildlife officers to conduct inspections for purposes relating to the administration or enforcement of the Act and sets out the powers of wildlife officers conducting inspections and investigations pursuant to the Act.

This Act came into force on May 17, 2007.

The Wildlife Habitat Protection Amendment Act, 2007 *

(Bill 38) Chapter 44

This Act amends *The Wildlife Habitat Protection Act* to remove certain Crown lands from the protection of the Act as designated wildlife habitat lands. It also adds other Crown lands and designates such land as designated wildlife habitat lands.

This Act came into force on May 17, 2007.

The Youth Drug Detoxification and Stabilization Amendment Act, 2007 *

(Bill 6) Chapter 16

The Youth Drug Detoxification and Stabilization Act allows for the involuntary detoxification and stabilization of youth. The amendments to the Act contained in this Bill affect three aspects of the legislation:

- the amendments provide authority to police officers to transport youth to a physician for examination and to a detoxification facility;
- the facility is required to continuously assess youth in its care and to develop a treatment plan for the youth; and
- new provisions outline the rights of the youth and the youth's parents to access court documents and personal health information.

The amendments came into force on April 26, 2007.

* These Bills were introduced in 2006 but not passed until 2007. The short titles of these Bills were corrected by the Office of the Law Clerk and Parliamentary Counsel, to indicate the year in which the Act was passed and received Royal Assent.